IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO: 22401 of 2004**

Between:

Smt. G. Kalavathy W/o late G. Ram Reddy
R/o 3-11, Nadargul Village, Saroornagar Mandal, Ranga Reddy

District

**... PETITIONER**

AND

1 The District Panchayat Officer, Ranga Reddy District at nampally,

Hyderabad
2 Gram Panchayat, nadargul Saroornagar Mandal, Ranga Reddy

District, rep by Panchayat at Secretary
3 Smt. Y. Danamma W/o Agamaiah R/o Nadargul illage, Saroornagar

Mandal, Ranga Reddy District

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, preferably one in the nature of writ of Mandamus, declaring the impugned order of the 1st respondent vide proceedings No. A4/1897/2004 dated 22-6-2004, is arbitrary, illegal, contrary to law and also violative of principles of natural justice and consequently direct the respondnets-1 and 2 to permit the petitioner to proceed with the construction as per the permission/sanctioned plan granted by the 2nd respondent vide proceedings GP No. GPN/45/2004 dated 21-5-2004 forthwith.

**Counsel for the Petitioner: MR.P.CHANDRA SEKHAR REDDY**

**Counsel for the Respondents 1: GP FOR PANCHAYAT RAJ & RURAL DEV.**

**Counsel for Respondent No.2: Smt. Jyothi Eswar. G**

The Court, at the admission stage, made the following:

**ORDER:**

This writ petition is filed to declare the impugned order of the first respondent, vide proceedings No.A4/1897/2004 dated 22-06-2004, cancelling the permission granted for construction of building, issued by the second respondent, as arbitrary and illegal.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development for Respondent No.1 and Smt. G. Jyothi Eswar for Respondent No.2.

3. Petitioner, claims to be the absolute owner and possessor of the land to an extent of 1805 Sq.yards in Sy.No.180 situated in Nadargul Village, Saroornagar Mandal, Ranga Reddy District bearing Door No.5-100, and is said to have constructed two mulgies, after obtaining requisite permission from the Gram Panchayat, Nadargul. Petitioner, with intent to extend the construction over the said property, made an application along with a plan to the second respondent – Gram Panchayat Secretary seeking permission for the same. The second respondent, through proceedings GP.No.GPN/45/2004 dated 21-05-2004, granted permission and accorded the sanctioned plan in favour of the petitioner. It is stated that the second respondent, on the direction of the first respondent – District Panchayat Officer, asked the petitioner to stop the construction being made by her, without serving any order on the ground that third respondent herein preferred an appeal before the first respondent as against the plan sanctioned in favour of the petitioner. While so, the first respondent through Proc.No.A4/1897/2004 dated 22-06-2004, set aside the permission granted to the petitioner and instructed the

Panchayat Secretary- Nadargul Mandal, to take appropriate action as per Rules, which gave rise to filing of the present writ petition.

4. It is evident that the impugned order passed is without any notice to the petitioner. Principles of natural justice demand that before any action is taken by the public authorities against private individuals, which results in civil consequences, a notice calling for the explanation to the individual concerned has to be issued, and after considering the explanation that may be submitted, pass appropriate orders, and take action in accordance therewith. But in the instant case, no notice as such was issued to the petitioner in the appeal filed by respondent No.3.

5. In view of the facts and circumstances of the case, and having regard to the fact that the impugned order in the appeal came to be passed without notice to the petitioner, the same cannot be sustained, and the same is accordingly set aside. The writ petition is allowed and the respondents are at liberty to pass appropriate orders in the appeal after issuing notice to the petitioner and after considering the explanation that may be submitted by the petitioner, in accordance with law.

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**N. V. RAMANA, J**

December 6, 2004

**MRR/KSR**

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The District Panchayat Officer, Ranga Reddy District at nampally,

Hyderabad

2 Gram Panchayat, Nadargul Saroornagar Mandal, Ranga Reddy

District, rep by Panchayat at Secretary.

3 Two C.C. s to the G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies.